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<b>Notice of Allowability</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/787,197		HODGKINSON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tri H. Phan		2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on September 20, 2006.
2. ☒ The allowed claim(s) is/are 1-12 and 15-19 (Now renumbered as 1-17).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>9/20/2006</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>11/28/2006</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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## **DETAILED ACTION**

### ***Response to Amendment/Arguments***

1. This Office Action is in response to the Response/Amendment filed on September 20<sup>th</sup>, 2006. Claims 13 and 14 are now canceled and new claims 20-22 are added. Claims 1-12 and 15-19 are now pending in the application.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Larry S. Nixon (Reg# 25,640) on November 28, 2006.

The application has been amended as follows:

#### **IN THE CLAIM:**

The following change to the claim(s) 1, 7, 15, and 20-22 has been approved by the examiner and agreed upon by applicant:

Claim 1 has been amended as follows:

1. (Currently Amended) A method of transmitting data stream of packets from a server computer to a client computer over a communications network, said stream of packets being routed between the server and client computers by a packet network node;  
the packet network node having an input to receive said stream of packets from the server computer, the input being connected to first and second packet queues, said packet queues being connected to an output channel of predetermined bandwidth, wherein the first packet queue is preferentially allocated a portion of an output bandwidth and the second packet queue is allocated a remaining portion of the output bandwidth such that packets received in the first packet queue are transmitted in preference to packets received in the second packet queue; the method comprising:

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- (i) transmitting packets in said stream of packets from the server computer to the client computer via the first packet queue of the network node; and
  - (ii) upon receipt by the server computer of a first control signal from the client computer, transmitting subsequent packets in said stream of packets from the server computer to the client computer via the second packet queue of the network node;
- wherein packets received at the network node are directed to said first or second packet queues in dependence upon the presence of a first or second identifier respectively in said packets; and
- said server computer transmits packets containing said first identifier prior to receiving said first control signal and after receiving said first control signal transmits packets containing said second identifier.

Claim 7 has been amended as follows:

7. (Currently Amended) A method of receiving a stream of packets at a client computer from a server computer, the stream of packets being routed over a communications network by a network node;
- the network node having an input to receive packets in said stream from the server computer, the input being connected to first and second packet queues, said packet queues being connected to an output channel of predetermined bandwidth, wherein the first packet queue is preferentially allocated a portion of an output bandwidth and the second packet queue is allocated a remaining portion of the output bandwidth such that packets received in the first packet queue are transmitted in preference to packets received in the second packet queue; the method consisting of:
- (i) the client computer receiving packets in said stream of packets from the server computer via the first packet queue of the network node; and
  - (ii) the client computer receiving subsequent packets in said stream of packets from the server computer via the second packet queue of the network node in response to the transmission of a first control signal from the client computer to the server computer;
- wherein packets received at the network node are directed to said first or second packet queues in dependence upon the presence of a first or second identifier respectively in said packets; and
- said server computer transmits packets containing said first identifier prior to receiving said first control signal and after receiving said first control signal transmits packets containing said second identifier.

Claim 15 has been amended as follows:

15. (Currently Amended) A server computer for transmitting a stream of packets to a client computer over a communications network, the stream of packets being routed between the server and client computers by a network node;
- the network node having an input to receive said stream of packets from the server computer, the input being connected to first and second packet queues said packet queues being connected to an output channel of predetermined bandwidth, wherein the first packet queue is preferentially allocated a portion of an output bandwidth and the second packet queue is

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allocated a remaining portion of the output bandwidth such that packets received in the first packet queue are transmitted in preference to packets received in the second packet queue;

(i) means for transmitting packets in said stream of packets from the server computer to the client computer using the first packet queue of the network node; and

(ii) means for transmitting subsequent packets in said stream of packets from the server computer to the client computer using the second packet queue of the network node upon receipt by the server computer of a first control signal from the client computer;

wherein packets received at the network node are directed to said first or second packet queues in dependence upon the presence of a first or second identifier respectively in said packets; and

said server computer transmits packets containing said first identifier prior to receiving said first control signal and after receiving said first control signal transmits packets containing said second identifier.

Claims 20-22 have been canceled.

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

**Any response to this action should be mailed to:**

**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan  
November 28, 2006



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
11/29/06